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14 SOUTHWEST AIRLINES CO.

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

14 DIANE LIPPINCOTT, an
15 individual,
16
17 Plaintiff,
18 v.

Case No. 2:17-cv-00495-RFB-PAL

17 SOUTHWEST AIRLINES CO., a
18 Foreign Corporation; CLARK
19 COUNTY DEPARTMENT OF AVIATION,
20 a Political Subdivision of the
21 State of Nevada as owner and
22 operator of McCARRAN
23 INTERNATIONAL AIRPORT; DOES I
24 through XXX; ROE CORPORATIONS I
25 through XXX, inclusive,
26
27 Defendants.

STIPULATION AND ORDER
REMANDING CASE TO STATE COURT

25 WHEREAS, Plaintiff filed her Complaint in State Court on
26 February 1, 2017;

27 WHEREAS, counsel for Defendant, SOUTHWEST AIRLINES, filed
28

1 removal papers in this Court on February 17, 2017 pursuant to
2 28 U.S.C. 1446 and 28 U.S.C. 1332 (diversity jurisdiction);

3 WHEREAS, the Joint Pre-Trial Order was filed on January
4 17, 2018, advising the Court that this Court probably did not
5 have jurisdiction pursuant to 28 U.S.C. 1441(b)(2), which
6 provides:
7

8 A civil action otherwise removable solely on
9 the basis of the jurisdiction under Sec.
10 1332(a) of this Title may not be removed if
11 any of the parties in interest properly
12 joined and served as defendants is a citizen
of the state in which such action is
brought;

13 WHEREAS, Defendant, CLARK COUNTY, is deemed to be a
14 citizen of the State of Nevada, thereby triggering the
15 exemption set out in 28 U.S.C. 1441(b)(2);

16 NOW, IT IS HEREBY STIPULATED AND AGREED that this action
17 may be remanded back to State Court as Case No. A-17-750429-C
18 in Dept. 1, the Honorable Kenneth C. Cory presiding, each party
19 to bear their own fees and costs.
20

21 CAP & KUDLER, P.C.

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

23 /s/ Donald C. Kudler

/s/ Craig R. Delk

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27 DIANE LIPPINCOTT

Craig R. Delk, Esq.
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Attorney for Defendant,
SOUTHWEST AIRLINES CO.

28 DATED: August 13, 2018

DATED: August 13, 2018

CHRISTOPHER M. YOUNG, PC

/s/ Christopher M. Young
Christopher M. Young, Esq.
Nevada Bar No. 7961
2460 Professional Court,
#200
Las Vegas, NV 89128
Attorney for Defendant,
CLARK COUNTY

DATED: August 13, 2018

ORDER

IT IS SO ORDERED this 21st day of August, 2018.



RICHARD F. BOULWARE, II
United States District Court

Submitted By:

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER

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